

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 24-13013
Joseph Corte Cann, Jr	:	Chapter 13
	:	Judge Ashely M. Chan
Debtor(s)	:	*****
	:	
JPMorgan Chase Bank, N.A.	:	Date and Time of Hearing
	:	Place of Hearing
vs	:	February 18, 2025 at 11:00 a.m.
	:	
Joseph Corte Cann, Jr	:	U.S. Bankruptcy Court
Eric Wright	:	900 Market Street, Suite 400, Courtroom #4
Kenneth E. West	:	Philadelphia, PA, 19107
Respondents.	:	

**MOTION OF JPMORGAN CHASE BANK, N.A. FOR RELIEF FROM THE
AUTOMATIC STAY AND CODEBTOR STAY REGARDING THE PERSONAL
PROPERTY KNOWN AS 2023 MITSUBISHI OUTLANDER SPORT, VIN
JA4ARUAU1PU013971**

JPMorgan Chase Bank, N.A. (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay and from the Codebtor Stay pursuant to 11 U.S.C. § 362, 11 U.S.C. § 1301, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On September 5, 2023, Joseph C Cann (the "Debtor") and Eric Wright (the "Codebtor") obtained a loan from JP Morgan Chase Bank, NA, or its predecessor-in-interest, in the amount of \$33,251.20 for the purchase of a 2023 Mitsubishi Outlander Sport, VIN JA4ARUAU1PU013971 ("Collateral"). Debtor and Codebtor agreed to make periodic payments to JP Morgan Chase Bank, NA, or its predecessor-in-interest. Such loan was evidenced by a Retail Installment Sale Contract - Simple Finance Charge (with Arbitration Provision) (the "Contract"), a copy of which is attached hereto as Exhibit A.
6. To secure payment of the Contract, Debtor and Codebtor delivered the Lien and Title Information (the "Title") to the Collateral to Creditor or Creditor's predecessor-in-interest. On or about September 19, 2023, Creditor or Creditor's predecessor-in-interest perfected its security interest in the Collateral by delivering the Title along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the Title is attached hereto as Exhibit B.
7. Creditor believes the clean retail value of the Collateral is \$21,125.00 based upon the J.D. POWER Used Cars/Trucks guide dated January 16, 2025, a copy of which is attached hereto as Exhibit C.
8. On August 28, 2024, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Petition").

9. Debtor's Chapter 13 Plan calls for the Debtor to retain the Collateral and make post-petition payments directly to the Creditor.
10. Debtor and Codebtor have failed to make full post-petition payments in the monthly amount of \$652.42 for the past 4 months (from September 20, 2024 to December 20, 2024) as of January 16, 2025 and are in post-petition default in the amount of \$2,609.68.
11. As of January 16, 2025, there is currently due and owing on the Contract the outstanding principal balance of \$29,913.57, plus interest accruing thereon at the rate of 0.00% per annum. The total amount due is broken down as follows:

Total Loan Balance	
Description	Amount
Principal	\$29,913.57
Interest	\$0.00
Late charges	\$0.00
Other Fees	\$0.00
Less Contractual Suspense Funds	\$(0.00)
Total: \$29,913.57	

12. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) and codebtor stay pursuant to 11 USC § 1301 to proceed under applicable non-bankruptcy law to enforce its remedies to repossess and sell the Collateral.
13. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor and Codebtor's failure to make payments when due.

WHEREFORE, JPMorgan Chase Bank, N.A. respectfully requests this Honorable Court to enter an order terminating the Automatic Stay and the Codebtor Stay as it affects the interests of JPMorgan Chase Bank, N.A. in the Collateral, and granting such other relief as this Honorable

Court may deem just. Creditor further requests that Rule 4001(a)(4) be waived so that an Order Granting Relief from the Automatic Stay and Codebtor Stay will take immediate effect.

Respectfully submitted,

/s/Stephen R. Franks

Stephen R. Franks, Esquire (333394)

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Attorneys for Creditor

The case attorney for this file is Stephen R. Franks.

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CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of JPMorgan Chase Bank, N.A. for Relief from the Automatic Stay and Codebtor Stay regarding the Personal Property known as 2023 Mitsubishi Outlander Sport, VIN JA4ARUAU1PU013971 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

KENNETH E. WEST, Office of the Chapter 13 Standing Trustee,
ecfemails@ph13trustee.com

MICHAEL A. CIBIK, Attorney for Joseph Corte Cann, Jr, help@cibiklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S.

Mail to the following:

Joseph Corte Cann, Jr, 1453 N 56th St, Philadelphia, PA 19131-3905

Eric Wright, 4237 W Warminster Ave, Philadelphia, PA 19104

/s/Stephen R. Franks